

paid, but primarily because we will be moving from 78 cents to 90 cents of every dollar returned, our State is projected for the next 6 years to receive an average of \$1 billion a year in Federal highway funds. That will allow my fast-growing State and its 15 million residents to be able to much better meet the needs of maintaining the system that is in existence and expanding the system in order to meet the demands of a growing population and an expanding economy.

Third, Mr. President, this legislation balances national needs and State and local needs. Some would argue, and I think with considerable persuasion, that what we ought to do is to have the National Government substantially back away from a Federal highway program, repeal substantial amounts of the Federal motor fuel tax and let the States make a determination as to whether they want to pick up that tax and levy it now as a State tax and use those funds directly for State purposes.

Frankly, moving toward the 90 cents on the dollar program to assure fundamental fairness is a major step toward that type of a turnback philosophy. But this legislation continues to recognize that there is an important national role in transportation. If I want to drive my car from Miami Lakes, FL, to the home State of our Presiding Officer, I have to drive through many States. It is, therefore, important to me that each one of those States has a safe and efficient highway system to allow me to achieve my destination of mobility from one part of America to another. That is a national need for which we all have an interest and a responsibility. I believe that this legislation balances those two desires to place as much responsibility and freedom of action and determination of priorities at the State and local level out of a belief that it is there that there is the best ability to assess what the real needs are, while still maintaining a sufficient national role to assure that we have national mobility across this great continent. I believe that the legislation that we introduce today strikes that appropriate balance.

A fourth aspect of this legislation is simplification and streamlining. As Senator WARNER discussed, this legislation will reduce the number of categories in which the Federal Government provides highway and bridge funds to the States and local communities. It will make it easier for the public, easier for people in our communities and States, easier for us here in the Congress to understand the system, because it will be more simplified. We will get greater efficiency out of the funds derived. There should be lessened administrative costs because there will be fewer programs to maintain and monitor. Increasing the ability of people in our communities and in our States to make their transportation decisions should be and is a key priority of this legislation.

Mr. President, I close by discussing a final point, which is a point at which I

suggest that we need to be totally candid with the American people. I voted against ISTEA in 1991 and stated that one of my reasons for voting against it was the fact that in all probability, at the end of the 6-year period of that legislation, our roads and bridges would be in worse shape than they were in 1991. I am sad to report that the U.S. Department of Transportation has issued reports which indicate that my prophecy was correct, that we had lower levels of maintenance on our highways, we have more bridges in need of serious repair, we have not maintained sufficient capacity in order to meet the needs of a growing economy and a growing American population.

I regret to say that I am afraid the same prophecy can be made about the legislation that we are about to pass, and that is a serious commentary. It speaks to the level of our commitment to transportation as an important national priority. Transportation is not being singled out. We are doing an inadequate job in almost every area of our Nation's infrastructure. One of those areas in which I am particularly concerned is educational infrastructure. All over the country we see older schools crumbling because of lack of adequate maintenance and repair and rehabilitation. All over the country, we see children going to classrooms that don't have the kind of access to modern technology that an education at the end of the 20th century requires. We see students in portables and inappropriate educational facilities because there have not been the resources to keep pace with building the new classrooms that the expanding student populations require. So what we are encountering in our transportation system is replicated in our education system, also in water and sewer and other basic community health services. I hope that, as part of this debate on transportation in 1997, we will use this as a means of stimulating a national awareness to the fact that we have a much greater job to do in terms of building the basic systems upon which our people, our society, our free enterprise economic system depend.

Having said that, there is a glimmer of hope in this legislation relative to the total adequacy of funds for transportation. While recognizing that the traditional means of funding transportation—so much money from the National Government through a Federal program, supplemented by additional funds from State or local sources—while those traditional sources are not likely to be adequate in order to maintain our current system and meet the needs for expansion, this legislation does call for some new opportunities for creativity and innovation and encouraging nontraditional funding to come into transportation—particularly, funding from the private sector.

We started several years ago with a plan that encouraged States to set up State banks to engage in various forms

of innovative financing—public-private partnerships, encouragement to early acquisition of highway corridors in order to lower the cost of right-of-way acquisition—a whole series of innovative ideas at the State level, with Federal support, in order to stretch our available dollars further so that we have a better chance of meeting the total demands that would be made upon transportation as one important part of our infrastructure obligations.

This legislation builds on those past provisions. It expands the States' ability to set up those State-based infrastructure banks. It also will create a new Federal innovative financing program to work with the States where they have projects that will benefit by these kinds of new means of financing transportation and involving the private sector. I think that is going to be an absolute key if we are going to meet our obligation to future generations in terms of maintaining a transportation system that will give us the economic capabilities to sustain our global position as well as provide the mobility that the American people require for their own day-to-day life experiences.

So, Mr. President, I am enthusiastic about the legislation that we are introducing today. I believe it represents a significant step forward in terms of accepting our national responsibility and doing it in a fair and balanced manner. I applaud those who have joined in this effort and look forward to this Senate passing this legislation at the earliest possible date so that before we recess for 1997, we can say as one of our accomplishments for this year that we have passed a significant national transportation policy and have that policy in place for the next 6 years, and we can get on with the business of benefiting by that new policy.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 781

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 852

At the request of Mr. LOTT, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

SENATE CONCURRENT RESOLUTION 51

At the request of Mr. HELMS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 51, a concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

DEWINE AMENDMENT NO. 1134

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

DEWINE AMENDMENT NO. 1135

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to an amendment intended to be proposed by Mr. JEFFORDS to the bill, H.R. 2107, *supra*; as follows:

On page 9, strike lines 21 through 24, and insert the following:

"(9) UNDERSERVED POPULATION.—The term 'underserved population' means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation. For purposes of the preceding sentence, the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

On page 20, lines 9 and 10, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 21, line 12, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 25, lines 21 and 22, strike "in rural and urban underserved communities" and insert "for rural and urban underserved populations".

On page 30, lines 7 and 8, strike "underserved communities" and insert "underserved populations".

On page 31, lines 3 and 4, strike "in rural and urban underserved communities" and insert "for rural and urban underserved populations".

On page 33, lines 17 and 18, strike "underserved communities" and insert "underserved populations".

On page 38, line 10, strike "underserved communities" and insert "underserved populations".

On page 41, line 14, strike "underserved communities" and insert "underserved populations".

On page 43, lines 10 and 11, strike "UNDERSERVED COMMUNITIES GRANTS.—" and insert "UNDERSERVED POPULATIONS GRANTS.—".

On page 43, lines 15 and 16, strike "in underserved communities" and insert "for underserved populations".

On page 45, lines 2 and 3, strike "in underserved communities" and insert "for underserved populations".

On page 45, lines 5 and 6, strike "in underserved communities" and insert "serving underserved populations".

On page 45, lines 9 and 10, strike "in underserved communities" and insert "serving underserved populations".

On page 47, line 18, strike "underserved communities" and insert "underserved populations".

On page 54, line 12, strike "underserved communities" and insert "areas serving underserved populations".

On page 58, line 7, strike "underserved community" and insert "underserved population".

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997; PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

DEWINE AMENDMENT NO. 1136

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; as follows:

Strike section 618 and insert the following:
SEC. 618. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

(a) GENERAL AUTHORITY.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under subsection (b)(1) or (j) of section 505, the Secretary determines that information relating to the use of a drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which may include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or completed within any such timeframe and the reports thereof are accepted in accordance with subsection (d)(3)—

"(1)(A) the period during which an application may not be submitted under subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 shall be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of section 505 to four years, to forty-eight months, and to seven and one-half years shall be deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(B) the period of market exclusivity under subsections (c)(3)(D) (iii) and (iv) and (j)(4)(D) (iii) and (iv) of section 505 shall be three years and six months rather than three years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under subsection (c)(3) or (j)(4)(B) of section 505 shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of this section, the Secretary, after consultation with experts in pediatric research (such as the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit Network, and the United States Pharmacopoeia) shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request for pediatric studies (which